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09/911,024	07/24/2001	Stephan Michael Reuning	Diedre/Prospector	4537

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 09/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/911,024

Applicant(s)

REUNING ET AL.

Examiner

Jonathan Ouellette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2001 and 18 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 35 is objected to because of the following informalities: Claim 35 should logically be dependent of claim 34 in order to avoid any double patenting issues. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 20 and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 20 and 53 recite the limitation "said contact information" in the method/system of Claims 19 and 52. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-11, 13-25, 33-44, 46-58, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman et al. (US 2002/0111958 A1) in view of Mossberg (Wall Street Journal, Oct. 24, 1996), further in view of Borguraev (US 5,799,268).
7. As per independent Claims 1 and 34, Hartman discloses a method of collecting professional profile data, Identifying contact information data, and Storing said Professional Profile and said contact information data into a data structure (Abstract, Para 0007-0009, Para 0014, Para 0018-0019).
8. Hartman fails to disclose a method for harvesting professional profiles, the method comprising: Searching the Internet, Identifying web pages and Internet postings containing profile data.
9. Mossberg discloses a method for harvesting professional profiles, the method comprising: Searching the Internet, Identifying web pages and Internet postings containing profile data (Para 8-9).
10. Neither Hartman nor Mossberg disclose identifying in said professional profile text strings constituting contact information data.
11. Borguraev teaches identifying information data in document text strings (Abstract, C4 58-67, C5 L1-46, C57 L11-41, C65 L46-67, C66 L1-5).
12. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a method for harvesting professional profiles, the method comprising: Searching the Internet, Identifying web pages and Internet postings containing profile data, and identifying in said professional profile text strings constituting

contact information data as disclosed by Borguraev in the system disclosed by Mossberg, in the system disclosed by Hartman, for the advantage of providing a method of collecting professional profile data with internet data harvesting capabilities.

13. As per Claims 2 and 35, Hartman, Mossberg, and Borguraev disclose wherein said contact information comprises an extractable e-mail address (Mossberg: Para 8-9).
14. As per independent Claims 3 and 36, Hartman, Mossberg, and Borguraev disclose a method for normalizing data from a document containing professional profile data, the method comprising: Obtaining said document, Reading said document, Identifying in said document text strings constituting contact information data, and Storing said professional profile data and said contact information data into a data structure (Hartman: Abstract, Para 0007-0009, Para 0014, Para 0018-0020, Clms 1-2) (Borguraev: Abstract, C4 58-67, C5 L1-46, C57 L11-41, C65 L46-67, C66 L1-5).
15. As per Claims 4 and 37, Hartman, Mossberg, and Borguraev disclose wherein said contact information comprises an extractable e-mail address (Mossberg: Para 8-9).
16. As per Claims 5 and 38, Hartman, Mossberg, and Borguraev disclose reading documents and combining to create a professional profile, Identifying in said professional profile text strings constituting contact information data, and copying said professional profile and contact information data into a data structure (Hartman: Abstract, Para 0007-0009, Para 0014, Para 0018-0020, Clms 1-2).
17. As per Claims 6 and 39, Hartman, Mossberg, and Borguraev disclose sorting the data in said data structure to identify profiles meeting a specified parameter, and merging said contact

information with a pre-defined document template to create a personalized document

(Hartman: Abstract, Para 0018-0020, Clms 1-2, Figs. 3-4)

18. As per Claims 7 and 40, Hartman, Mossberg, and Borguraev disclose wherein said professional profile is obtained by harvesting from the Internet (Mossberg: Para 8-9).
19. As per Claims 8, 16, 23, 41, 49, and 56, Hartman, Mossberg, and Borguraev disclose wherein said professional profile is obtained from a third party source (Hartman: Para 0003 and 0011).
20. As per Claims 9 and 42, Hartman, Mossberg, and Borguraev disclose wherein said professional profile is obtained via a professional profile collection program on a website (Hartman: Abstract, Para 0018-0020, Clms 1-2).
21. As per Claims 10, 18, 25, 43, 51, and 58, Hartman, Mossberg, and Borguraev disclose wherein said professional profile is obtained as a response to help wanted advertising (Hartman: Para 0003).
22. As per Claims 11 and 44, Hartman, Mossberg, and Borguraev disclose wherein said pre-defined document template can incorporate an electronic object (Hartman: Abstract, Para 0018-0020, Clms 1-2).
23. As per Claims 13-14, 19, 46-47, and 52, Hartman, Mossberg, and Borguraev disclose a method for creating a list of sales or advertising prospects, the method comprising: Obtaining professional profiles, Storing said professional profiles in a data structure, and Sorting to identify a subset of professional profiles stored in said data structure (Hartman: Abstract, Para 0018-0020, Clms 1-2).

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24. As per Claims 15, 22, 48, and 55, Hartman, Mossberg, and Borguraev disclose wherein said professional profile is obtained by harvesting from the internet (Mossberg: Para 8-9).
25. As per Claims 17, 24, 50, and 57, Hartman, Mossberg, and Borguraev disclose wherein said professional profile is obtained via a professional profile collection program on a website (Hartman: Abstract, Para 0018-0020, Clms 1-2).
26. As per Claims 20 and 53, Hartman, Mossberg, and Borguraev disclose exporting said contact information data from said subset of professional profiles to create a list (Borguraev: Abstract, C4 58-67, C5 L1-46, C57 L11-41, C65 L46-67, C66 L1-5, C68 L5-32, Fig.8, Fig.10).
27. As per Claims 21 and 54, Hartman, Mossberg, and Borguraev disclose wherein said list may take the form of: A printed list, A digital file, A delimited format file, A format which causes a message to be delivered to each professional profile's contact, or A merged document (Borguraev: Abstract, C68 L5-32, Fig.8, Fig.10).
28. As per independent Claims 33 and 66, Hartman, Mossberg, and Borguraev disclose a method of selecting advertisement and notice delivery addresses, the method comprising: Searching a data structure containing professional profiles, Identifying a subset of professional profiles, Identifying in said professional profiles text strings constituting contact information data, and Exporting said contact information data (Hartman: Abstract, Para 0018-0020, Clms 1-2) (Mossberg: Para 8-9) (Borguraev: Abstract, C4 58-67, C5 L1-46, C57 L11-41, C65 L46-67, C66 L1-5).
29. Claims 12 and 45 are rejected under 35 U.S.C. 103 as being unpatentable over Hartman, Mossberg, and Borguraev.

30. As per Claims 12 and 45, Hartman, Mossberg, and Borguraev do not expressly show wherein said pre-defined document template includes an advertising message.
31. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The pre-defined document template would be created regardless of what was included in the template. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
32. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an advertising message in the pre-defined document template, because such a message does not functionally relate to the steps in the method claimed and because the subjective interpretation of the message does not patentably distinguish the claimed invention.
33. Claims 26-32 and 59-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman et al. in view of Mossberg, and further in view of Peach et al. (US 5,321,604).
34. As per independent Claims 26 and 59, Hartman and Mossberg disclose a method comprising: sorting professional profiles in a data structure, and merging contact information from said professional profiles into said deliverable medium (Hartman: Abstract, Para 0018-0020, Clms 1-2).
35. Hartman and Mossberg fail to disclose selecting one or more items from a collection of computer stored images, computer stored text objects, computer stored audio objects,



computer stored video objects, or other computer stored objects, Combining said selections into a deliverable medium.

36. Peach teaches selecting one or more items from a collection of computer stored images, computer stored text objects, computer stored audio objects, computer stored video objects, or other computer stored objects, Combining said selections into a deliverable medium (Abstract, C2 L1-6, C2 L61-69, C3 L1-40, C13 L49-68, C14 L1-34).
37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included selecting one or more items from a collection of computer stored images, computer stored text objects, computer stored audio objects, computer stored video objects, or other computer stored objects, and combining said selections into a deliverable medium, as disclosed by Peach in the system disclosed by Mossberg, in the system disclosed by Hartman, for the advantage of providing a method of collecting professional profile data with internet data harvesting capabilities, and direct mail advertising capabilities.
38. As per Claims 27 and 60, Hartman, Mossberg, and Peach disclose delivering said deliverable medium to prospects (Peach: Abstract, C2 L1-6, C2 L61-69, C3 L1-40, C13 L49-68, C14 L1-34).
39. As per Claims 28 and 61, Hartman, Mossberg, and Peach disclose printing said deliverable medium as a post card or letter (Peach: Abstract, C2 L1-6, C2 L61-69, C3 L1-40, C13 L49-68, C14 L1-34).
40. As per Claims 29 and 62, Hartman, Mossberg, and Peach disclose wherein said professional profile is obtained by harvesting from the internet (Mossberg: Para 8-9).

41. As per Claims 30 and 63, Hartman, Mossberg, and Peach disclose wherein said professional profile is obtained from a third party source (Hartman: Para 0003 and 0011).
42. As per Claims 31 and 64, Hartman, Mossberg, and Peach disclose wherein said professional profile is obtained via a professional profile collection program on a website (Hartman: Abstract, Para 0018-0020, Clms 1-2).
43. As per Claims 32 and 65, Hartman, Mossberg, and Peach disclose wherein said professional profile is obtained as a response to help wanted advertising (Hartman: Para 0003 and 0011).

#### *Conclusion*

44. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
45. The following patents are cited to further show the state of the art with respect to employment systems in general:

U.S. Pat. No. 5,784,608 to Meske, Jr. et al.

U.S. Pat. No. 5,855,015 to Shoham

U.S. Pat. No. 5,855,020 to Kirsch

U.S. Pat. No. 5,907,837 to Ferrel et al.

U.S. Pat. No. 5,978,768 to McGovern et al.

U.S. Pat. No. 6,038,560 to Wical

U.S. Pat. No. 6,041,326 to Amro et al.

U.S. Pat. No. 6,055,510 to Henrick et al.

U.S. Pat. No. 6,101,486 to Roberts et al.

U.S. Pat. No. 6,119,164 to Basche

U.S. Pat. No. 6,272,467 to Durand et al.

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46. The following foreign patents are cited to further show the state of the art with respect to employment systems in general:

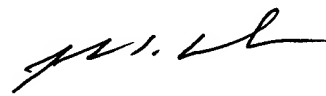
Japan Pat. No. JP2000082066A

47. The following non-patent literature is cited to further show the state of the art with respect to employment systems in general:

McFadden, Mark, "Spam, Spam, wonderful Spam. Not!" HP Professional, v10, n9, p56(1), Sept. 1996.

48. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
49. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.
50. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

  
jo  
September 9, 2002

  
JOHN G. WEISS  
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